

REMARKS

Claims 1-41 are pending in this application, claim 28 being withdrawn from further consideration. By this Amendment, claims 30 and 34 are amended. No new matter is added.

The Office Action objects to the drawings as allegedly not showing the features recited, for example, in claim 29. Applicant respectfully submits, however, that an applicator in which the applicator element is connected in a removable manner to the base portion is shown, for example, in Figure 4. As shown, the applicator element comprises an insert 7 disposed inside the base portion 10 and may be removed therefrom. Accordingly, withdrawal of the objection is respectfully requested.

The Office Action rejects claim 30 under 35 U.S.C. §112, second paragraph, as allegedly indefinite. This rejection is respectfully traversed.

For the sake of clarity only, and without narrowing, claim 30 is amended to specify that the applicator element has a free end that is offset to one side relative to an axis of the applicator element. Thus, the free end may be situated on a same side as the handle portion because the free end is offset to one side. See, for example, Figures 4, 16 and 18.

Thus, Applicant respectfully submits that claim 30 fully complies with 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the objection is respectfully requested.

The Office Action rejects claims 1-5, 7-10, 12, 16, 17, 25, 26, 30-35 and 37-41 under 35 U.S.C. §102(b) over U.S. Patent No. 5,391,011 to Gueret (Gueret 011). The Office Action also rejects claims 1-6, 10-18, 20, 23, 25-27, 30, 33, 34 and 37-41 under 35 U.S.C. §102(b) over German Patent No. DE 296 14 364 to Strange. These rejections are respectfully traversed.

Independent claim 1 recites *inter alia* an applicator comprising "a base portion . . . configured for fixing onto a receptacle" and "a handle portion rotably mounted on the base portion to turn about a fixed axis of rotation, the handle portion having a longitudinal axis,

wherein the axis of rotation and the longitudinal axis of the handle portion are not mutually perpendicular."

Independent claim 33 recites *inter alia* an applicator comprising "a handle portion rotatably mounted on the base portion to turn about a fixed axis of rotation, the handle portion having a longitudinal axis . . . wherein the axis of rotation and the longitudinal axis of the handle portion are not mutually perpendicular . . . and wherein the applicator element is configured for applying a product on at least one of lips, eyelids, eyelashes, eyebrows and hairs."

Independent claim 34 recites *inter alia* an applicator comprising "a handle rotatably mounted on the base portion to turn about a fixed axis of rotation, the handle portion having a longitudinal axis . . . wherein an angle between the axis of the base portion and the axis of the handle portion is always strictly inferior to 90° when the handle portion is rotated about the axis of rotation."

Applicant respectfully submits that neither Gueret nor Strange discloses or suggests these claimed features.

Gueret 011 discloses an applicator for a make-up or hair-care product including a parallelepiped-shaped reservoir 10 and a cap 20, i.e., a base portion, for closing the reservoir 10, with the cap 20 carrying an applicator brush 21. A handle 30 is articulated on the cap 20 about an axis of rotation 33. The handle 30 is in the general shape of a rectangular "U" and may be positioned in a folded position around the reservoir 10 when the reservoir 10 is closed, as shown in Figure 1.

As shown in the Figures of Gueret 011, the axis of rotation 33 is perpendicular to a longitudinal axis of the handle 30, contrary to independent claims 1 and 33, which require that the axis of rotation and the longitudinal axis of the handle portion are not mutually perpendicular. The axis of rotation 33 in Gueret 011 is necessarily perpendicular to the

longitudinal axis of the handle 30 so as to enable the handle 30 to be folded around the reservoir 10 in the closed position.

Moreover, as illustrated in the Figures of Gueret 011, the angle between the axis of the reservoir 10 and the axis of the handle 30 includes angles of 90-180°, contrary to independent claim 34, which requires that when the handle portion is rotated, such angle is "always strictly inferior to 90°."

Therefore, Applicant respectfully submits that independent claims 1, 33 and 34, as well as claims 2-5, 7-10, 12, 16, 17, 25, 26, 30-32, 34, 35 and 37-41, which variously depend therefrom, are patentable over Gueret 011. Accordingly, withdrawal of the rejection over Gueret 011 is respectfully requested.

Strange discloses a shaving brush comprising a base portion for carrying bristles 4 and a handle portion 3. The shaving brush disclosed by Strange is not configured to be fixed onto a receptacle, contrary to independent claim 1. Further, the shaving brush of Strange is not configured for applying a product on at least one of lips, eyelids, eyelashes, eyebrows and hairs, contrary to independent claim 33.

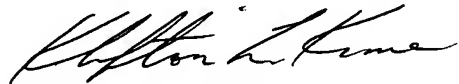
Further, the handle portion 3 is rotatably mounted on the base portion in such a manner so as to be able to extend perpendicular to the longitudinal axis of the base portion, as shown in Figure 3. Thus, the angle between the axis of the base portion and the axis of the handle portion is not always strictly inferior to 90° when the handle portion is rotated about the axis of rotation, contrary to independent claim 34.

Therefore, Applicant respectfully submits that independent claims 1, 33 and 34, as well as claims 2-6, 10-18, 20, 23, 25-27, 30 and 37-41, which variously depend therefrom, are patentable over Strange. Accordingly, withdrawal of the rejection over Strange is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Rejoinder of claim 28 is respectfully requested in view of the allowability of claim 1 from which it depends. Favorable reconsideration and prompt allowance of claims 1-41 are thus earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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